

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FRANK BURTON, JR.,)	
)	Civil Action No. 14 - 131
Petitioner,)	
)	Chief Magistrate Judge Lisa Pupo Lenihan
v.)	
)	
MARK V. CAPPOZZA, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

Petitioner has submitted for filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. However, the petition was received without a filing fee or the forms required to proceed *in forma pauperis*. This action may not proceed unless Petitioner either,

- (1) tenders to the “Clerk, U.S. District Court” a statutory filing fee in the amount of \$5.00, or,
- (2) files a properly completed application to proceed *in forma pauperis*, along with an authorization form and a certified copy of his prison account statement for the six (6) months preceding the filing of the petition.

Therefore,

IT IS HEREBY ORDERED this 5th day of February, 2014, that the Clerk of Court is to mark this case **CLOSED**.

IT IS FURTHER ORDERED that Petitioner may reopen the case by paying the \$5.00 filing fee or submitting an authorization form and a certified copy of his prison account statement for the six (6) months preceding the filing of the petition.

AND IT IS FURTHER ORDERED that the parties are allowed fourteen (14) days from this date to appeal this order to a District Judge pursuant to Rule 72.C.2 of the Local Rules. Failure to appeal within fourteen (14) days may constitute waiver of the right to appeal.

/s/ Lisa Pupo Lenihan

Lisa Pupo Lenihan
Chief United States Magistrate Judge

cc: Frank Burton, Jr.
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